

RECEIVED
CENTRAL FAX CENTERPATENT
Attorney Docket No. 127.0003-03000
Customer No. 22882

MAY 06 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Confirmation No.: 8851
John I. Shlpp et al.)
Serial No.: 10/619,987) Group Art Unit: 3731
Filed: June 12, 2003) Examiner: Tuan Van Nguyen
For: SURGICAL LIGATION CLIP AND)
METHOD FOR USE THEREOF)

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Petitioner ("assignee") Apollo Camera, LLC, duly organized under the laws of the State of Tennessee, and having its principal place of business at 590 Heather Way, Estill Springs, Tennessee 37330-3596 represents that it is the only assignee of the entire right, title and interest in and to above-identified Application No. 10/619,987 filed June 12, 2003 for SURGICAL LIGATION CLIP AND METHOD FOR USE THEREOF in the name of John I. Shlpp et al. as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 022643 and Frame 0600; and is the only assignee of the entire right, title and interest in and to Application No. 08/316,730, filed October 3, 1994 (now U.S. Patent No. 5,858,018) for LOW PROFILE TOOL FOR APPLYING SPRING ACTION LIGATION CLIPS in the name of John I. Shipp et al. as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 013447 and Frame 0262. Assignee Apollo Camera, LLC further represents through its representative that to the best of assignee's knowledge and belief, title to the above-identified application and the United States Patent No. 5,858,018 are in assignee, which is submitting this Terminal Disclaimer.

Apollo Camera, LLC hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on above-identified Application No. 10/619,987, which would extend beyond the expiration date of Patent No. 5,858,018; and hereby

05/06/2009 HMARZ11 00000061 501068 10619987

03 FC:1814 140.00 DA

RECEIVED
CENTRAL FAX CENTER

MAY 06 2009

agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 5,858,018; this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on Application No. 10/619,987 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of Patent No. 5,858,018; as presently shortened by any terminal disclaimer, in the event that Patent No. 5,858,018 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$140.00 is to be charged to Deposit Account No. 50-1068.

If there are any additional fees due in connection with the filing of this reply, please charge the fees to our Deposit Account No. 50-1068. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

The undersigned is authorized to act on behalf of assignee Apollo Camera, LLC.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: May 6, 2009

By: 
Thomas H. Martin
Registration No. 34,383

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030